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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,770	02/02/2004	Kelson Elam	50086.2001	5151

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Navarro Law Office, P.C.
P.O. Box 166851
Irving, TX 75016

EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/771,770		ELAM ET AL.	
	Examiner		Art Unit	
	Nam V. Nguyen		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Elam et al. for a "RFID process control system for use in automation and inventory tracking applications" filed February 2, 2004 has been examined.

Claims 1-31 are pending.

Information Disclosure Statement

An information disclosure form (PTO-1449) listing the references was not enclosed in the application.

Claim Objections

Claims 5-6 and 24-25 recite the limitation "the RFID" in line 2. There is insufficient antecedent basis for this limitation in the claim. Examiner believes that "the RFID" is the RFID reader.

Claim 16 is objected to because of the following informalities: "switched" in line 8 should be "switch". An appropriate correction is required.

Claim 27 recites the limitation "the system" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, the phrase “enclosure is an FCC approved computer-style enclosure” is confusing and unclear. It is not understood what is meant by such a limitation. What are the limitations that FCC approved? Where is this limitation supported by specification?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 12-19 and 22-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Nerlikar (US# 5,629,981).

Referring to claims 1 and 28, Nerlikar discloses an information management and security system as recited in claims 1 and 28. See Figures 1-5 and respective portions of the apparatus and method.

Nerlikar discloses a method and a RFID host peripheral (506) comprising: a communication interface (318) (i.e. RF module of a RFID reader) supporting communications with a plug-in mass memory card and EP intelligent cassette 510 (column 7 lines 34 to 47; column 15 lines 42 to 50; column 16 lines 23 to 40; see Figures 3, 5A and 5B);

an RFID controller (316) (i.e. a microprocessor of RFID reader) for communicating RFID data over the interface (318) (i.e. RF module), said RFID controller (316) (i.e. a microprocessor) including at least one RFID reader module (512) for reading said RFID data (i.e. identification data of transponder (512)) from an RFID tagged item (514) (column 15 lines 42 to 50; column 16 lines 5 to 26; see Figures 1 and 5A-5B);

process control software (i.e. a microprocessor and logic of a RFID host peripheral (506)) for detecting the occurrence of a specified event represented by the RFID data (column 16 lines 27 to 41; see Figure 1) and

at least one computer controlled switch (not shown) operably coupled to the RFID controller (i.e. a microprocessor) to connect to a centralized database 502 by a modem 504 (column 16 lines 41 to 49; see Figures 1 and 5A);

wherein a specified RFID event can be determined from the RFID data received by the RFID controller (i.e. a microprocessor) via the communication interface as interpreted by the process control software and thereby cause the RFID controller to operate the computer controlled switch to transmit a transaction data to a centralized database 502 by a modem 504 for

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authorization or allow operation of the RFID tagged item (514) (column 16 lines 24 to 61; column 17 lines 1 to 20; see Figures 1-5).

Referring to Claim 2, Nerlikar discloses the RFID process control system of claim 1, further comprising an enclosure (518) (i.e. a refurbish equipment) housing the interface, RFID controller, process control software and computer controlled switch (column 15 lines 42 to 50; see Figures 5 and 6).

Referring to claims 16-17, Nerlikar discloses the RFID process control system, the claim 16 differs from claim 1 in that the claim requires the limitation of claim 2 already addressed above. Therefore, claim 16 is also rejected for the same reason given with respect to claim 2.

Referring to Claims 3-4, 22-23 and 30-31, Nerlikar discloses the method and the RFID process control system of claims 1, 16 and 28, wherein communications between the RFID tagged item (315) and the RFID controller (i.e. microprocessor) over the communication interface are bidirectional (column 6 lines 43 to 62; see Figures 1 and 5B).

Referring to Claims 5, 18 and 24, Nerlikar discloses the RFID process control system of claims 1 and 16, wherein the communication interface is wired interface providing a physical communication path between the RFID reader (315) and the RFID tagged item (302) (column 7 lines 6 to 27; see Figure 1 and 3A).

Referring to Claims 6 and 25, Nerlikar discloses the RFID process control system of claims 1 and 16, wherein the communication interface (318) between the RFID reader (315) and the RFID tagged item (510) is wireless (i.e. by radio frequency) (column 6 lines 56 to 62; see Figure 1).

Referring to Claims 7, 26 and 29, Nerlikar discloses the method and the RFID process control system of claims 1, 16 and 28, further comprising at least one peripheral (502) (i.e. a network server) coupled to said the communications module (504) (column 15 lines 42 to 50; see Figure 5A).

Referring to Claim 8, Nerlikar discloses the RFID process control system of claim 7, wherein said peripheral comprises a flashing light that is operated by the computer controlled switch in response to specified RFID data from a RFID tagged item ((302) being read by said RFID controller (column 12 lines 15 to 25; column 18 lines 46 to 52; see Figures 6 and 7).

Referring to Claims 9 and 19, Nerlikar discloses the RFID process control system of claims 1 and 16, further comprising a power supply for providing power to the RFID controller (316), the communication module and the process control logic (see Figure 1)

Referring to Claim 12, Nerlikar discloses the RFID process control system of claim 9, wherein the power management subsystem further comprises a battery charging circuit (column 18 lines 8 to 16; see Figure 6).

Referring to Claims 13-14, Nerlikar discloses the RFID process control system of claim 1, wherein the RFID controller further comprises any one of several industry standard RFID readers (315) within the enclosure (column 7 lines 33 to 47; see Figure 3C, 5A and 5B).

Referring to Claim 15, Nerlikar discloses the RFID process control system of claim 1, wherein said interface supports communications with a sensor device when the intelligent cassette is to the refurbish equipment 518 (column 15 lines 63 to column 16 line 4; see Figure 5B).

Referring to Claim 27, Nerlikar discloses the RFID process control system of claim 17, further comprising an RFID antenna (320) interspersed between the RFID tagged item (302) and the RFID controller (i.e. a microprocessor of RFID reader) for delivering the RFID data to the system (column 7 lines 35 to 47; see Figure 1, 3C and 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 10-11 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nerlikar (US# 5,629,981) as applied to claims 9 and 19 above, and in view of Yokoyama et al. (US# 6,563,087).

Referring to claims 10-11 and 20-21, Nerlikar discloses the RFID process control system of claims 9 and 19, however, Nerlikar did not explicitly disclose wherein the power management subsystem can provide variable levels of both DC and AC power.

In an analogous art of a power management control system, Yokoyama et al. teach that a power generator (36) can provide variable levels of output power (column 5 lines 3 to 12; see Figure 2) in order to operate at a properly power to achieve a desired operating output.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a power generator to provide variable levels of power depend on the output of a reader taught by Yokoyama et al. in the power supply of the information management system of Nerlikar because having a plurality of power output levels would improve and reliable an operating system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reis et al. (US# 5,686,902) disclose a communication system for communicating with tags.

Engellenner (US# 5,798,693) discloses electronic locating systems.

Griffith et al. (US# 5,887,176) disclose a method and system for remote monitoring and tracking of inventory.

Pruett et al. (US# 6,263,440) disclose a tracking and protection of display monitors by reporting their identity.

Stephens et al. (US# 6,323,782) disclose an unattended item delivery system.

Ayatsuka (US Pub. No. 2004/0259539) discloses a communication system and method, information processing terminal and method, information processing apparatus and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
March 17, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER